

ENTERED

May 23, 2022

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

BRAZOS ELECTRIC POWER
COOPERATIVE, INC.,

Debtor.¹

Chapter 11

Case No. 21-30725 (DRJ)

BRAZOS ELECTRIC POWER
COOPERATIVE, INC., *et al.*,

Plaintiff / Plaintiff-Intervenors,

Adv. Proc. No. 21-03863 (DRJ)

v.

ELECTRIC RELIABILITY COUNCIL OF
TEXAS, INC., *et al.*,

Defendant / Defendant-Intervenors.

PROPOSED ORDER EXTENDING MEDIATION

[Related to Adv. Dkt. No. 543 & 547] and 552

WHEREAS, on March 25, 2022, the Court entered an order [Adv. Dkt. No. 543] (the “Mediation Order”)² appointing the Honorable Marvin Isgur, United States Bankruptcy Judge, as mediator in the above-captioned Adversary Proceeding;

WHEREAS, the Mediation Order provides, among other things, that the Mediation shall terminate on the earlier of (a) the date on which Judge Isgur determines that the Mediation has

¹ The Debtor in this chapter 11 case, along with the last four digits of its federal tax identification number is: Brazos Electric Power Cooperative, Inc. (4729). Additional information regarding this case may be obtained on the website of the Debtor’s claims and noticing agent at <http://cases.stretto.com/Brazos>. The Debtor’s address is 7616 Bagby Avenue, Waco, TX 76712.

² Capitalized terms used but not otherwise defined in this order shall have the meanings assigned to them in the Mediation Order.

terminated or (b) April 25, 2022 (the “Mediation Outside Date”) unless the Mediation Outside Date is extended by (x) agreement of each of the Parties or (y) an order of the Court;

WHEREAS, on May 4, 2022, the Court entered an order [Adv. Dkt. No. 547] which further extended the Mediation Outside Date to the earlier of (a) the date on which Judge Isgur determines that the Mediation has terminated or (b) May 25, 2022 (the “Extended Mediation Outside Date”) unless the Extended Mediation Outside Date is extended by (x) agreement of each of the Parties or (y) an order of the Court; and

WHEREAS, after conferring with Judge Isgur and other Parties participating in the Mediation, the Parties have agreed to further extend the Mediation.

Based on the forgoing and upon the request and agreement of the Parties, it is **HEREBY ORDERED** that:

1. The mediation shall terminate on the earlier of (a) the date on which Judge Isgur determines that the Mediation has terminated (and advises the Parties of such determination) or (b) the date on which Judge Jones terminates the mediation by order on motion of a Party.

2. During the Mediation, the Trial is abated. The Parties agree that Appellant’s Fifth Circuit brief will be due 30 days after mediation is terminated by Judge Isgur or Judge Jones as contemplated in Paragraph 1 above. The Parties agree to cooperate in the filing of joint motions requesting that the Fifth Circuit extend the briefing deadlines in 30 day increments as necessary while mediation proceeds.

3. The Debtor shall not file a chapter 11 plan prior to the earlier of the termination of the Mediation or July 22, 2022.

4. Except as otherwise set forth herein, the Mediation Order remains in full force and effect.

5. The Court retains jurisdiction in connection with this Order and all matters related thereto.

Signed: May 23, 2022.



DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE